

1  
2  
3  
4

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 PAUL HOA,  
9 Plaintiff,  
10 v.  
11 RICHARD RILEY, *et al.*,  
12 Defendants.  
No. C-12-2078 EMC  
**ORDER REGARDING  
SUPPLEMENTAL  
CROSS-DEFENDANT  
DISMISSAL**  
**(Docket No. 146)**

**ORDER REGARDING  
SUPPLEMENTAL BRIEFING FOR  
CROSS-DEFENDANTS' MOTION TO  
DISMISS**

15 David F. Lopez, T. Gregory Stagnito, Bridge Transport, and Stag Leasing Inc.  
16 (“Cross-Defendants”) have moved to dismiss Richard Riley, Raymond Matteucci, David Moore,  
17 Ronald Chan, Tammy Foss, Thomas Alioto, and George Moon’s (“Cross-Claimants”),  
18 cross-complaint for equitable indemnity, contribution, and declaratory relief. Docket No. 146. The  
19 Court hereby orders Cross-Defendants and Cross-Claimants to provide supplemental briefing  
20 regarding the following issues.

Assuming, *arguendo*, (1) that there is no right to indemnity or contribution under Section 1983 or federal common law, (2) that state law rights to indemnity or contribution may not be applied under Section 1988, and (3) that the substantive claim by the plaintiff against defendants/cross-claimants upon which the cross-claim arises is solely under federal law (*i.e.* Section 1983) and not state law:

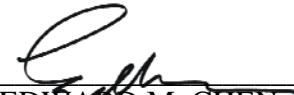
- 26 • Would a cross-claim for contribution or indemnity brought directly under state law be  
27 preempted or precluded by Section 1988?

- 1 • Would such a cross-claim be preempted under the Supremacy Clause irrespective of Section  
2 1988?

3 **The supplemental briefs shall be filed no later than December 19, 2014, and each  
4 party's brief shall not exceed 10 pages.**

5 IT IS SO ORDERED.  
6

7 Dated: December 4, 2014

  
8 EDWARD M. CHEN  
9 United States District Judge